



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1998

Mr. W. Daniel Vaughn
McLeod, Alexander, Powel & Apffel
802 Rosenberg
Galveston, Texas 77553

OR98-3240

Dear Mr. Vaughn:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120745.

The Park Board of Trustees of the City of Galveston (the "Park Board"), which you represent, received a request for "[a] copy of any documents in the board packet for the Sept. 29 meeting of the Park Board of Trustees that detail any options the board may have in settling any disputes with Bettah Beach Productions." You contend that the requested documents are excepted from disclosure pursuant to section 552.103 of the Government Code.

Section 552.103(a) excepts from disclosure information:

- (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and
- (2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

In this case, we find that the Park Board may withhold the documents at issue from disclosure pursuant to section 552.103. In reaching this conclusion, however, we assume that the opposing party in the litigation has not previously had access to the records at issue; absent special circumstances, once information has been obtained by all parties to the litigation, *e.g.*, through discovery or otherwise, no section 552.103 interest exists with

respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). We also note that the applicability of section 552.103 ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 120745

Enclosures: Submitted documents

cc: Mr. Marty Schladen
Galveston Daily News
P.O. Box 628
Galveston, Texas 77553
(w/o enclosures)